



THE CITY OF NEW YORK
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April 17, 2025

Via ECF

The Honorable Gary Stein
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: E.S., et al. v. N.Y.C. Dep't of Educ., et al., No. 24 CV 3492 (ALC)

Dear Magistrate Judge Stein:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, Muriel Goode-Trufant, attorney for the Defendants in the above-referenced action. I write, jointly with Plaintiffs' counsel, to respectfully request an adjournment *sine die* of the initial pretrial conference and a concomitant extension of the submission of a joint letter. The parties also respectfully request the calendaring of an attorneys-only settlement conference.¹

This case was brought, in part, as an appeal of a State Review Officer's decision related to a relatively narrow issue relating to a child who longer resides in the City. Plaintiffs have advised that they plan to move to amend the complaint to add claims concerning a school year for which the statute of limitations will soon run. Defendants have indicated that they would like to review the amended complaint to consider whether they would consent to the amendment and avoid motion practice.

In addition, the parties have conducted preliminary settlement discussions, and Plaintiffs will shortly provide a preliminary proposal for settlement on all issues if the amendment is accepted by Defendants or the Court. In the interim, the Student on whose behalf this action was

¹ Our offices have a large docket of special education cases together and all of the individual cases have, to date, settled. We have never had to litigate attorney's fees.

brought no longer resides in the City of New York (and thus, there are no issues regarding the present provision of educational services to the Student).

With these discussions ongoing, the parties desire to focus on settlement and avoid the accrual of any significant fees that might otherwise affect settlement. As such, the parties respectfully request an adjournment of the initial pretrial conference (and the associated joint letter deadline), as well as the calendaring of an attorneys-only settlement conference.

The parties would respectfully propose that the settlement conference be calendared approximately 60 days from (a) the date that the amended complaint is filed (if agreed to or granted by the Court) or (b) from the date that Court denies the motion to amend. This accounts for already existing appearances and deadlines of the parties' counsel, as well as an extended overseas vacation of Defendants' counsel in the interim. In the alternative, the parties' counsel are proposing the following two dates, although given the above contingencies we propose that it may be more efficient for the Court to wait until the issue of the amendment is resolved before scheduling: June 16th, 17th, or 18th. The parties' counsel are also happy to find alternative dates if necessary, or to communicate with the Court's deputy with regard to scheduling. This is the parties' first request for an adjournment of the initial pretrial conference.

The parties thank the Court for its consideration of this matter.

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The parties also sincerely apologize for the belated filing of this application. Although the parties' counsel had discussed this matter in advance of filing a joint letter, an illness, other unavailability, and developments in professional matters, including an emergency order to show cause, made it such that the parties' counsel were not able to close the loop in advance of the joint letter's filing deadline. Defendants had tried to reach Plaintiffs' counsel with the last version of our draft joint application, but counsel was tied up in a work emergency and did not see the correspondence until after midnight.

The parties apologize for this oversight.

Respectfully yours,

/s/ David S. Thayer

David S. Thayer

SO ORDERED:



HON. GARY STEIN
UNITED STATES MAGISTRATE JUDGE

cc: *Via ECF*
All counsel of record

The parties' request to adjourn the Initial Case Management Conference sine die is hereby granted pending Plaintiffs' motion to file an amended complaint. By no later than May 2, 2025, Plaintiffs shall either file the amended complaint (if consented to by Defendants) or file a motion for leave to file the amended complaint. The scheduling of a settlement conference will await a determination with respect to the amended complaint.

Date: April 18, 2025
New York, NY